

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-10 are pending in this application. Claims 1, 2, and 4 are amended and Claims 9 and 10 are added by the present amendment.

Amendments to the claims and new claims find support in the application as originally filed at least at Applicants' Figure 8 and in the specification at page 17, line 26, to page 18, line 5. Thus, no new matter is added.

In the outstanding Office Action, the specification was objected to; Claim 1 was objected to; Claim 4 was rejected under 35 U.S.C. §112, second paragraph; Claims 1-5 and 8 were rejected under 35 U.S.C. §102(b) as unpatentable with respect to U.S. Publication 2002/0080816 to Spinar et al. (herein "Spinar"); and Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Spinar in view of U.S. Patent 6,078,568 to Wright et al. (herein "Wright").

Initially, Applicants gratefully acknowledge the courtesy of a personal interview with Examiner Anwar and Supervisory Patent Examiner Ferris on November 20, 2008. During the interview, differences between the claimed invention and disclosures of the references in the Office Action were discussed. Comments and claim amendments discussed during the interview are reiterated below.

Regarding the rejection to the specification, the specification is amended as suggested in the Office Action. Accordingly, it is respectfully requested the objection to the specification be withdrawn.

Further, regarding the objection to Claim 1, Claim 1 is amended to recite a history managing unit that presents a target bandwidth request amount for the allocation

determination, as discussed during the interview. Accordingly, it is respectfully requested the objection to the claims also be withdrawn.

Moreover, regarding the rejection of Claim 4 under 35 U.S.C. §112, second paragraph, Claim 4 is amended to correct the antecedent basis of the feature noted in the Office Action. Furthermore, at page 3, lines 1 and 2 the Office Action asserts that a phrase in Claim 2 is vague and indefinite. Accordingly, Claim 2 is amended to recite the intended features. Accordingly, it is respectfully requested the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

Applicants respectfully traverse the rejection of Claims 1-5 and 8 under 35 U.S.C. §102(b) as unpatentable over Spinar, with respect to amended independent Claim 1.

Claim 1 is directed to a station-side communicating apparatus that includes, in part, an allocation determining unit that determines a bandwidth allocation for each subscriber device in each data collection cycle, and a history managing unit. The history managing unit stores a history of a request increment as a difference between a bandwidth request amount acquired from more than one time of data collections and an allocation amount allocated by the allocation determining unit for the bandwidth request amount. Further, the history managing unit presents a target bandwidth request amount for the allocation determination to the allocation determining unit.

As discussed during the interview, Spinar fails to teach or suggest each of the features of Claim 1. For example, Spinar fails to teach or suggest a history managing unit that stores a history of a request increment as the difference between a bandwidth request amount and an allocation amount.

Spinar describes a method and system for adaptively obtaining bandwidth allocation requests and a broadband wireless communication system.<sup>1</sup> According to Spinar, polling may be adaptively adjusted in response to changes in parameters such as a history of previous use.<sup>2</sup> Furthermore, Spinar indicates that a polling policy module may establish zero polling for currently active users, may assign users having a range of usage history and QoS needs and guarantees to one or more polling groups to which multicast polls are made on a bandwidth-available basis.<sup>3</sup> Moreover, Spinar indicates that the “bandwidth request processing module may take into account the available bandwidth of the channel, and may implement fairness algorithms (described elsewhere) to balance the bandwidth request and availability, thus providing adaptation and the granting of uplink bandwidth.”<sup>4</sup> Thus, as discussed during the interview, Spinar is silent regarding a request increment, which is a difference between a bandwidth request amount and an allocation amount, and further, Spinar is silent regarding storing a history of request increments.

Accordingly, as discussed during the interview, Spinar fails to teach or suggest “a history managing unit that stores a history of a request increment as a difference between the bandwidth request amount acquired from more than one time of data collections and an allocation amount allocated by the allocation determining unit for the bandwidth request amount,” as recited in independent Claim 1.

Accordingly, Applicants respectfully submit that independent Claim 1 and the claims depending therefrom patentably define over Spinar.

Therefore, it is respectfully requested the rejection of Claims 1-5 and 8 under 35 U.S.C. §102(b) be withdrawn.

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<sup>1</sup> Spinar at Abstract.

<sup>2</sup> Spinar at paragraph [0021].

<sup>3</sup> Spinar at paragraph [0181].

<sup>4</sup> Spinar at paragraph [0187].

In addition, Applicants respectfully traverse the rejection of Claims 6 and 7 under 35 U.S.C. §103(a) as unpatentable over Spinar and Wright.

Claims 6 and 7 depend from independent Claim 1, which as discussed above is believed to patentably define over Spinar. Furthermore, Applicants respectfully submit that Wright fails to supply the claimed features lacking in the disclosure of Spinar. Accordingly, it is respectfully requested the rejection of Claims 6 and 7 under 35 U.S.C. §103(a) also be withdrawn.

Claim 9 is directed to a station side communicating apparatus that includes, in part, a history managing unit that determines a first non-allocation amount, a first request increment, a second non-allocation amount, and a second request increment. Further, the station site communication apparatus of Claim 9 also includes an allocation determining unit that determines a third allocation amount for the subscriber device based on the first request increment, the second request increment, and a third bandwidth request from the subscriber device. Claim 10 is directed to a method including steps similar to the features of Claim 9 with a different scope of invention.

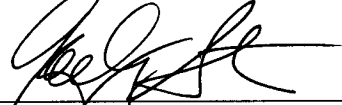
As discussed during the interview, Spinar and Wright also fail to teach or suggest each of the features of Claims 9 and 10.

Accordingly, Applicants respectfully submit that independent Claims 1, 8, and 9, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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